

March 4, 2009

VIA FACSIMILE AND US MAIL

Lionel C. Glancy, Esq.
Glancy Binkow & Goldberg LLP
1801 Avenue of the Stars, Suite 331
Los Angeles, CA 90067

Re: FOIA Appeal - Your letter of February 27, 2009

Dear Mr. Glancy:

We received your February 27, 2009 response to our February 23rd letter to Marc Godino of your law firm. As set forth in the February 23rd letter (enclosed), pursuant to exemption 4 of the Freedom of Information Act (FOIA), we denied the request for seventeen pages of responsive records consisting of an agreement and a term sheet for the agreement. You now ask that we reconsider the denial and further ask for our response by March 4, 2009 in that you will commence litigation on March 6th if we do not produce the documents requested.

We have not changed our position on the denial. The records are withheld pursuant to exemption 4 of the FOIA, as set forth in our February 23rd letter. The documents consist of commercial information obtained from a person. Although we believe the information was voluntarily submitted and is categorically protected since it would not be customarily disclosed to the public by the submitter, we also believe the standard for withholding information required to be submitted is met. Please refer to the discussion of the FOIA and applicable case law set forth in the enclosed letter. We believe further that the documents may be withheld pursuant to exemption 8 of the FOIA, applicable to records contained in or related to examination reports.

Sincerely,

/S/

Robert M. Fenner
General Counsel

Enclosure
GC/HMU:bhs
09-APP-00001
08-0936 FOIA Appeal March 4